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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,672	01/07/2004	Jose Miguel Cabezas	018579.0082US1	6781

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EXAMINER
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BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/753,672

Applicant(s)

CABEZAS, JOSE MIGUEL

Examiner

David E. Bochna

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Egner et al.

In regard to claim 1, Egner et al. discloses a pipe flange apparatus comprising a first pipe flange S having a frontal face surrounding a central bore W passing through the flange, the face comprising an internal flange recess X extending into the flange and surrounding the bore, and a groove Z extending into the flange and surrounding the internal flange recess, wherein the internal flange recess comprises a textured surface 11 (all surfaces inherently have some texture to them) at least partially surrounding the bore W such that the textured surface is adapted to engage another surface (the internal flange recess surface is adapted to engage surface 10 of insert A as seen in fig. 3).

In regard to claim 2, the groove Z is substantially circular and the internal flange recess X is disk shaped, and the diameter of the groove Z is greater than the diameter of the internal flange recess.

In regard to claim 3, the flange comprises a plurality of boreholes H extending through the flange and positioned radially around the groove.

In regard to claim 4, the groove Z has a depth less than that of the internal flange recess X.

In regard to claim 5, further comprising an internal flange A having first and second portions surrounding a bore extending through the internal flange, wherein the first portion is positioned at least partially within the internal flange recess of the first pipe flange and in contact with the textured surface of the first pipe flange and the second portions extends into the bore; and

a first sealing ring C positioned at least partially within the groove surrounding the internal flange recess.

3. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Campbell.

In regard to claim 1, Campbell discloses a pipe flange apparatus (fig. 4) comprising a first pipe flange having a frontal face surrounding a central bore 32a passing through the flange, the face comprising an internal flange recess 32d extending into the flange and surrounding the bore, and a groove 32b extending into the flange and surrounding the internal flange recess, wherein the internal flange recess comprises a textured surface 32c (all surfaces inherently have a texture) at least partially surrounding the bore such that the textured surface is adapted to engage another surface (surface 32c is adapted to engage either surface 36e or 36f of 36).

In regard to claim 2, the groove 32b is substantially circular and the internal flange recess 32d is disk shaped, and the diameter of the groove is greater than the diameter of the internal flange recess.

In regard to claim 3, the flange comprises a plurality of boreholes 32e extending

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through the flange and positioned radially around the groove.

In regard to claim 4, the groove 32b has a depth less than that of the internal flange recess 32c.

In regard to claim 5, further comprising an internal flange 36 having first and second portions surrounding a bore extending through the internal flange, wherein the first portion 36m is positioned at least partially within the internal flange recess of the first pipe flange and in contact with the textured surface of the first pipe flange and the second portion 36a extends into the bore; and

a first sealing ring 38 positioned at least partially within the groove surrounding the internal flange recess.

In regard to claim 6, the first portion 36f of the internal flange is sized and positioned such that substantially fills all of the internal flange recess but does not extend radially outward from the internal flange recess 32d.

In regard to claim 7, the flange is coupled to a lined pipe having a central liner that is separate from the internal flange, and extends into the central bore of the first pipe flange such that the liner and the second portion of the internal flange line the central bore of the first pipe flange (see fig. 13).

***Allowable Subject Matter***

4. Claims 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Response to Arguments*

5. Applicant's arguments filed 1/21/05 have been fully considered but they are not persuasive. Applicant argues that the meaning of the word "textured" should be gleaned from the specification and claims and states that the specification defines "textured surface" as "a surface formed with gaps or other features adapted to engage a surface of a plastic flange in order to form a better seal with, and/or to better retain the plastic flange". The Applicant's definition of "a surface formed with gaps or **other features**" makes the definition of "textured" very broad. The prior art can have any "other features adapted to engage a surface of a plastic flange" and still meet the scope of the claimed invention.

When determining the meaning and scope of a claim limitation it is necessary to first look at the plain meaning of the word. Merriam Webster's Collegiate Dictionary 10<sup>th</sup> Edition defines "texture" as "the visual or tactile surface characteristics and appearance of something" and defines "textured" as to give a particular texture to". In this case, both Campbell and Egner et al. have picked flanges made out of a metal. By using metal as a material, Campbell and Egner et al. have both inherently given "a particular texture to" the internal flange recesses. A metal surface has "features" that other materials do not have and would fall under the broad definition "other features" recited by the Applicant. Therefore the prior art rejections in view of Egner et al. and Campbell have been maintained.

*Conclusion*

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

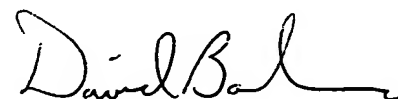
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.



**David Bochna**  
**Primary Examiner**  
**Art Unit 3679**  
**March 22, 2005**